

**NOTICE OF PROPOSED**  
**NEW LOCAL RULES**  
**FOR THE BLACKFORD**  
**CIRCUIT AND SUPERIOR COURTS**

Notice is hereby given to the bar and the public that the Blackford Circuit and Superior Courts are proceeding to adopt new Local Court Rules which will replace all existing Blackford County Local Court Rules, effective January 1, 2008.

Copies of the proposed rules may be viewed or obtained in the office of the Clerk of Blackford County located at 110 West Washington Street, Hartford City, Indiana 47348. Copies may also be viewed on the Indiana Judicial website at:

[www.in.gov/judiciary/rules/local/](http://www.in.gov/judiciary/rules/local/).

**COMMENTS**

Comments on the proposed new Local Court Rules will be received until July 1, 2007, and should be sent to the Blackford Circuit Court at 110 West Washington Street, Hartford City, Indiana 47348.

After consideration of all comments received, the proposed new Local Rules will be adopted, modified, or rejected by July 31, 2007, and submitted to the Indiana Supreme Court for approval by August 1, 2007.

**EFFECTIVE DATE**

Adopted new Local Rules will not take effect until January 1, 2008, and until approved by the Indiana Supreme Court for rules requiring approval by the Indiana Supreme Court.

Dated this 18<sup>th</sup> day of May, 2007.

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Dean A. Young, Judge  
Blackford Circuit Court

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John W. Forcum, Judge  
Blackford Superior Court

**LOCAL CIVIL RULES OF PRACTICE**  
**FOR THE COURTS**  
**OF**  
**BLACKFORD COUNTY,**  
**INDIANA**

**Proposed Effective: January 1, 2008**

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## **LOCAL RULES OF TRIAL PROCEDURES**

### **LR05-AR00-1 SANCTIONS**

(A) COURT ACTION. When a party or counsel for a party fails to comply with any of these Local Rules, the court may direct the Clerk of the Court to refuse to accept the pleadings or papers to be filed, or, if inadvertently accepted for filing, direct that such pleadings or papers be stricken from the record.

(B) COSTS. In addition to the foregoing, the court may order the party or counsel for the party failing to comply with these Local Rules to pay reasonable expenses, including attorney's fees, caused by the failure.

### **LR05-AR00-2 DUTIES OF ATTORNEYS, COURTROOM ETIQUETTE**

(A) Attorneys shall be punctual and dressed in appropriate business attire when appearing in court. Weapons of any kind are forbidden in the courtroom, probation offices, and adjoining areas. Legal counsel shall insure compliance with this rule, as well as insuring appropriate conduct and dress of their clients.

(B) All cell phones and pagers or other noisemaking devices must be turned off while court is in session.

### **LR05-AR00-3 SCHEDULING OF HEARINGS AND TRIALS**

(A) Calendar – The Court staff shall develop and maintain a calendar for all hearings and trials.

(B) Priority - Whenever the case load of the Court requires that trials and other matters be subject to multiple settings on the same date, the order in which said matters proceed will be determined by the Judge based on Rules of Criminal Procedure Rule 4 in criminal cases, the age of the civil case and to the extent any priority issues are present.

(C) When cases are scheduled as alternates for jury trials and they have not been continued on the motion of a party or by the Court at or prior to the Final Formal Pretrial, these alternate cases shall proceed to trial if the priority case does not.

(D) When counsel requests the Court set a hearing in a civil case, counsel shall contact opposing counsel and provide Court with tentative dates.

(E) When defense counsel requests scheduling of a hearing in a criminal case requiring the presence of the State, the proposed hearing date and time shall be approved by the prosecuting attorney's office prior to requesting the Court set the hearing.

## LR05-AR15-4 COURT REPORTERS

The undersigned courts comprise all of the courts of record of Blackford County, Indiana, and hereby adopt the following local rule by which Court Reporter services shall be governed.

### **Section One: Definitions. The following definitions shall apply under this local rule:**

- (1) *A Court Reporter* is a person who is specifically designated by a Court to perform the official Court reporting services for the Court including preparing a transcript of the record.
- (2) *Equipment* means all physical items owned by the Court or other governmental entity and used by a Court reporter in performing Court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing data.
- (3) *Work space* means that portion of the Court's facilities dedicated to each Court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rules of Appellate Procedure 7.2.
- (5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) *Regular hours worked* means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the county but remain the same for each work week.
- (7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- (8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- (9) *Work Week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Thursday, Friday through Thursday.
- (10) *Court* means the particular Court for which the Court reporter performs services. Court may also mean all of the courts in Blackford County.
- (11) *County indigent transcripts* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
- (12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

- (13) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

## **SECTION TWO: Salaries, Per Page Fees and Private Practice**

- (1) The Court Reporter shall be paid an hourly wage for time spent working under the control, direction and direct supervision of the Court during all regular work hours and gap hours. Overtime hours shall be accrued as compensatory time off at the rate of one and one-half times per hours worked with a maximum number of hour accrued to be forty (40). All overtime hours worked after the Court Reporter has accrued forty (40) hours shall be paid at the rate of one and one-half times the hourly wage.
- (2) The Court Reporter shall charge a per page fee of four dollars and twenty-five cents (\$4.25) for indigent county transcripts, state indigent transcripts, and private practice transcripts. A claim for all county indigent transcripts (not prepared during regular work hours) shall be submitted to the Blackford County Auditor for payment.
- (3) If the Court Reporter is requested to prepare an “expedited” transcript (preparation within three (3) days) the Court Reporter shall charge a per page fee of six dollars and twenty-five cents (\$6.25). A claim for all county indigent “expedited” transcripts (not prepared during regular work hours) shall be submitted to the Blackford County Auditor for payment.
- (4) If the Court Reporter is requested to prepare a “rush/overnight” transcript (preparation within twenty-four (24) hours or less) the Court Reporter shall charge a per page fee of seven dollars and twenty-five cents (\$7.25). A claim for all county indigent “rush/overnight” transcripts (not prepared during regular work hours) shall be submitted to the Blackford County Auditor for payment.
- (5) A minimum fee of forty-five dollars (\$45.00) will be charged for transcripts less than ten (10) pages in length.
- (6) An additional labor charge approximating the hourly rate based upon the Court Reporter’s hourly rate as reflected in the Court budget, may be charged for the time spent binding the transcript and exhibit binders. The labor charge shall not exceed three (3) hours, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the two hour base.
- (7) All Court Reporters are required to report on an annual basis to the Indiana Supreme Court Division of State Court Administration on forms prescribed by the Division.
- (8) That each Court Reporter shall have the option of electing to procure the services of a certified Court Reporter or Deputy Court Reporter to prepare a private

practice transcript should she not have available time to complete the preparation of said transcript. The certified Court Reporter or Deputy Court Reporter shall abide by the rules as set forth herein.

- (9) The Courts recognize that relatively few transcripts are prepared by a Court Reporter during the course of a year. The Courts also recognize that depositions for private individuals other than Court related transcripts are not prepared by the Court Reporters. Therefore; it is not feasible for the Court Reporters to purchase machines, other equipment, paper, etc. for the preparation of transcripts, depositions and other matters. These transcripts are prepared by the Court Reporter solely in the official capacity as Court Reporter. Therefore, the “per page” charge which is set forth above anticipates that the Court Reporter is entitled to utilize the equipment and materials of the Court and that the compensation is, therefore, solely for the Court Reporter’s labor.
- (10) If the Court Reporter elects to engage in the private practice of recording a deposition and/or preparation of a deposition or private practice transcripts and the Court Reporters desires to utilize the Court’s equipment, work space and supplies, and the Court agrees to the use of Court’s equipment for such purpose, the Court Reporter agrees to the following:
  - a. Record and transcribe the deposition on the Court Reporter’s own time and keep a record of such employee time sheets.
  - b. Reimburse the Court at the rate of fifteen cents (\$0.15) per page for use of equipment, work space, and supplies.
    - (1) The Court Reporter shall submit a claim to the Blackford County Auditor for payment of an indigent deposition (not prepared during the regular work hours); however, said claim shall include the deduction for use of equipment, work space, and supplies.
    - (2) The Court Reporter shall remit payment for private depositions and private transcripts to the Blackford County Auditor annually, by December 15<sup>th</sup>, for use of equipment, work space, and supplies in conjunction with a non-indigent deposition.
- (11) That each Court Reporter shall have the option of electing to procure the services of a certified Court Reporter or Deputy Court Reporter to prepare a private practice transcript should she not have available time to complete the preparation of said transcript. The certified Court Reporter or Deputy Court Reporter shall abide by the rules as set forth herein.



## **LR05-AR00-5 DISPOSITION OF TRIAL MATERIALS**

(A) MATERIALS NOT IN EVIDENCE. Trial materials left in the courtroom following trial and not offered or admitted into evidence, will not be the responsibility of the Court or the Court Reporter. Counsel and parties are responsible for removing all materials related to the trial which were not offered into evidence.

(B) MATERIALS OFFERED AND/OR ADMITTED INTO EVIDENCE IN CIVIL CASES. The Court Reporter will retain all trial materials admitted into evidence or offered into evidence. Such materials will be disposed of pursuant to the Supreme Court Rules regarding retention of exhibits as follows:

(1) During period less than 30 days following Judgment: Materials will be released by the Court Reporter to a party or the parties counsel within the 30-day period following judgment in which a Motion to Correct Errors or appeal might be filed, only by written agreement of all parties or counsel; or upon Order of the Court pursuant to application. When parties are permitted to withdraw exhibits, receipts should be prepared in advance for signature and provided to the Court Reporter in exchange for the exhibits withdrawn.

(2) More than 30 days but less than 90 days following Judgment: Exhibits and trial materials will be released to counsel or parties pursuant to a receipt executed by counsel and upon proof that 10 days prior notice has been given to opposing counsel. The Court Reporter may dispose of trial materials at any time after 30 days but less than 90 days following judgment, provided 10 days notice is given to all counsel of record.

(3) After 90 days from date of judgment: All unclaimed exhibits retained in any case, not the subject of an appeal, shall be destroyed by the county records officer, with due consideration given to confidential matters contained therein.

## **LOCAL RULES OF CIVIL PROCEDURE**

### **LR05–TR79–101 SELECTION OF SPECIAL JUDGE IN CIVIL AND JUVENILE PROCEEDINGS**

Upon granting a motion for change of judge or issuing an order for disqualification the Court will give the parties seven (7) days to reach an agreement as provided for by Trial Rule 79(D) and (E). In the event a special judge is not selected under Section (D) or (E), the Court shall provide for the selection of a special judge by panel as provided by Trial Rule 79(F).

If a judge disqualifies and recuses under Trial Rule 79(C), the Judge shall appoint the other elected judge of the Circuit or Superior courts to serve as special judge.

The case may be transferred thereafter to the appointed judge's court. In the event the judge appointed under this rule or selected under Trial Rule 79(D), (E), or (F) does not accept the case and assume jurisdiction the regular judge of the court where the case is pending shall appoint a special judge of a rotating basis from a list of judges in the circuit and superior courts of the administrative district which includes Blackford County as provided for under Administrative Rule 3(A).

#### **LR05-TR3.1-102 WITHDRAWAL OF APPEARANCE**

(A) PETITIONS TO WITHDRAW. Counsel desiring to withdraw an appearance in any pending action shall file a petition requesting leave of Court to do so. Permission to withdraw shall be given only if the petitioning attorney has given ten (10) days written notice of the intent to withdraw before any scheduled trial or hearing. The petition shall contain the client's complete mailing address and telephone number and shall list the client on the certificate of service.

(B) TENDERED ORDER. At the time of filing a petition to withdraw, counsel shall tender to the Court an order granting the petition and ordering the relief sought.

#### **LR05-TR4.15-103 ELECTRONIC RETURN RECEIPT**

The Blackford County Clerk shall be authorized to utilize a process for return of certified mail through an electronic version in accordance with USPS Postal Bulletin 22137 as an electronic return receipt. The Courts hereby designate this means of service as meeting the requirements of the Trial Rules governing service.

#### **LR05-TR7-104 MOTIONS**

(A) NOTICE. When a motion requires notice of hearing, a Notice of Hearing form shall be provided. The time and date of hearing shall be inserted and previously coordinated with Court staff and any counsel of record, and the time anticipated as necessary to present evidence/argument shall be stated.

(B) TRIAL RULE 12 MOTIONS. All motions filed pursuant to T.R. 12 (Motions to Dismiss, Motion to Strike etc.) shall be accompanied by a brief or memorandum. An adverse party shall have 15 days after service of the movant's brief to file an answer brief. Failure to timely file briefs shall subject all motions filed pursuant to T.R. 12 to summary ruling.

(C) TRIAL RULE 56 MOTIONS. Motions for Summary Judgment shall be accompanied by a brief. An adverse party shall have thirty (30) days after service of the movant's brief to file an Answer brief and any opposing affidavits. Extensions of time for filing briefs shall be granted only by order of the Court.

(D) BRIEFS. Briefs in support of and in opposition to Motions to Dismiss or for Summary Judgment shall make specific reference to materials relied upon to support or oppose the Motion.

Wherever feasible, copies of said materials should be attached to the respective briefs of the parties. When reference is made in a brief to a pleading, counsel shall indicate to the Court the filing date of said pleading. When reference is made to interrogatories or deposition, copies of the pertinent questions and answers shall be attached to the brief. Failure to comply with the provisions of this rule shall subject such motions and responses to summary ruling.

#### **LR05-TR10-105 PREPARATION OF PLEADINGS, MOTIONS AND OTHER DOCUMENTS**

(A) COPIES TO SENIOR/SPECIAL JUDGE. In the event a Senior/Special Judge is selected, and appointed, the Clerk shall notify such Judge of the appointment, shall furnish such Judge with copies of all pending pleadings and forward the same to the Senior/Special Judge, as well as a copy of the CCS pertaining to the cause. Once a Senior/Special Judge has qualified, parties shall mail or deliver to the Senior/Special Judge, copies of all pleadings, motions, briefs or other papers filed thereafter with a certificate of forwarding same made a part of the original documents.

(B) Counsel filing pleadings by mail, or otherwise, and who request the return of file marked copies, shall furnish the clerk with self-addressed envelopes with sufficient postage attached for such return.

(C) Files of the clerk shall be kept under the system commonly known as “flat filing,” and all papers presented to the court for filing shall be 8 ½ by 11, flat and unfolded. Original, oversized documents may be filed as part of a pleading, but shall be reduced to 8 ½ x 11 where possible. Type written pages shall have no covers or backs and shall be fastened at the top, but at no other place. All pleadings shall be typewritten on unlined paper, with double spacing between lines and paragraphs.

(D) All papers may be filed by fax transmission, and the court may issue orders by fax transmission. Such fax transmissions shall be considered as mailed for purposes of computed time under the Indiana Trial Rules.

(E) No person shall withdraw an original paper or the court file from the custody of the clerk except as may be established by rules of the clerk, and only upon leaving a proper receipt therefore.

#### **LR05-TR16-107 CIVIL PRE-TRIAL CONFERENCES**

(A) The fundamental purpose of pre-trial procedure as provided in TR 16 is to simplify issues and facilitate the trial of issues to be tried, and it is contemplated that all parties will comply with TR 16.

(B) It is anticipated that pre-trial procedure will consist of a status conference after issues are closed and a reasonable time for preliminary discovery procedures. Such status conferences may be had by telephone conference call. All counsel shall be prepared to set cut-off dates for

discovery, the exchange of preliminary witness and exhibit lists, setting hearing dates for pending motions or motions to be filed, discussing alternative methods to resolve disputes, and setting trial date. A final pre-trial conference shall be scheduled for the case at the status conference.

(C) A final pre-trial conference shall be attended by all counsel expecting to participate at the trial of the case, and unless appearing, counsel shall not be permitted to participate in the trial, except by order of the Court.

(D) Unless otherwise ordered, final pre-trial conferences will be used in part as settlement conferences, and counsel shall have clients available in person or by telephone for such purpose.

(E) Extensions of cut-off dates shall not be altered except by order of the Court.

(F) All trial briefs or preliminary trial motions shall be filed at least 5 days prior to trial. Trial briefs need not be exchanged between the parties.

(G) All exhibits shall be pre-marked by counsel prior to trial, and an index of such pre-marked exhibits prepared and exchanged, with a copy to the Court, and counsel shall stipulate as to the admissibility of any such exhibits prior to trial and advise the Court as to such stipulated exhibits prior to trial.

(H) Unless otherwise ordered by the Court, in all jury cases, all exhibits to be offered into evidence and to be read by the Jury shall be duplicated by the party offering the same so that each juror shall have a copy to read at the time the same is offered and admitted into evidence. Such copies shall be made prior to trial and counsel shall have the same available for opposing counsel to inspect prior to trial.

(I) All proposed preliminary and final instructions to be tendered by the parties shall be submitted to the Court not later than the time set for the final pre-trial conference.

(J) Copies of the names and addresses of all jury panels called for trial, together with information forms for said panel, and copies of the Court's proposed preliminary instructions shall be available in the Office of the Court Bailiff at least 5 days prior to trial. Counsel wishing the same to be mailed to them should furnish to the Bailiff an envelope, with sufficient postage, for such purpose.

#### **LR05-TR26-108 CIVIL DISCOVERY RULES**

(A) All parties are expected to diligently pursue and provide discovery per trial rules. In the event of conflicts, TR 26(F) must be observed and TR 37 sanctions will be imposed in favor of the prevailing party, absent cause shown per rule.

(B) VIDEOTAPES/DVD'S. Subject to the Court's right to impose sanctions pursuant to T.R. 37, all videotapes, DVD's and any expense incurred in placing said tapes or DVD's in evidence at the time of trial shall be paid for by the moving party and not be taxed as Court costs. When videotapes or DVD's are offered into evidence, the offering party shall file with the Court a

transcript of the testimony contained therein, unless prior approval of the Court removing this requirement has been given.

(C) AGREED USE OF DEPOSITIONS IN LIEU OF TESTIMONY AT TRIAL. Attorneys frequently express the opinion or belief that depositions are taken for discovery purposes only. The concept of “discovery deposition” does not exist in the trial rules. The Court, however, desires to encourage the taking of depositions with the anticipation that they may be used in lieu of oral testimony at time of trial. In the event an agreement to use depositions in such manner is reached, pursuant to T.R. 32(A)(3)(f), such agreement shall be noted within the context of the deposition. This rule is not to be construed as a limitation on the use of depositions at trial under those circumstances delineated in T.R. 32(A)(3).

(D) INTERROGATORIES. Interrogatories propounded pursuant to T.R. 33 shall be limited in number to a total of forty (40) including subparagraphs. Subparagraphs shall relate directly to the subject matter of the interrogatory. Interrogatories shall be used solely for the purpose of discovery and shall not be used as a substitute for the taking of a deposition. For good cause shown, and upon leave of Court first obtained, additional interrogatories may be propounded.

#### **LR05-TR52-114 FINDINGS OF FACT AND CONCLUSIONS OF LAW**

In all cases where counsel has requested findings of fact and conclusions of law under Trial Rule 52, counsel shall be required to submit proposed findings and conclusions both in written form and on disc or e-mail formatted for the particular Court’s system. Counsel should contact the Court to determine the appropriate format.

#### **LR05-TR53.5-115 CONTINUANCES**

(A) Motions for continuances shall be in writing and include the following information:

- a. Whether opposing counsel or pro se litigant agrees with, or objects to the continuance and requests a hearing, or objects and waives hearing.
- b. The date and time of the hearing or trial for which a continuance is being sought.
- c. The approximate amount of time needed to elapse before the matter can be heard.
- d. A good-faith estimate of the time needed for such hearing or trial when rescheduled.
- e. Unless Court will hold a hearing on the Motion for Continuance, the motion shall contain proposed dates and times for rescheduling where all parties are available and the Court has available calendar space.

(B) Hearings on Motions for Continuance will be held at the Court’s convenience and counsel shall have access to their calendars directly or electronically. Hearing on Motion for Continuance may be by telephonic conference initiated by the party/counsel moving for the continuance.

(C) Unless good cause is shown, no motions for continuance will be considered unless filed at least five (5) days before a court trial or hearing, and at least ten (10) days before a Jury Trial.

The following factors do not necessarily establish good cause for a continuance:

- a. Convenience to or a stipulation between the parties;
- b. Failure to expeditiously prepare for trial;
- c. Failure of client to adhere to financial agreement with an attorney;
- d. Settlement negotiations not yet completed, including the need to communicate an offer to a client appearing through counsel;
- e. Recent substitution of trial counsel;
- f. Subsequent scheduling of cases in other courts.

(D) All motions for continuance shall be accompanied by a separate proposed order.

#### **LR05-TR73-117 TELEPHONE CONFERENCING**

- (A) PURPOSE AND SETTING. In order to expedite the Court's business, the Court encourages in conjunction with Trial Rule 73, the use of telephone conferencing for the hearing of motions, for the conducting of Pre-Trial Conferences and for other matters which may be reasonably conducted by use of telephone and shall be set at the discretion of the Court upon the Court's motion or upon request of a party. The moving party shall arrange scheduling and telephonic hookup.

## **LOCAL RULES OF CRIMINAL PROCEDURE**

#### **LR05-CROO-201 ASSIGNMENT OF CRIMINAL CASES**

All criminal cases wherein the most serious charge is either a Class "C" Felony, a Class "B" Felony, a Class "A" Felony, or a Murder Felony shall be assigned to the Blackford Circuit Court. All Class "D" Felony Nonsupport cases shall be assigned to the Blackford Circuit Court. All Child Molesting cases shall be assigned to the Blackford Circuit Court. All other criminal cases, not specifically assigned to the Blackford Circuit Court herein, wherein the most serious charge is a Class "D" Felony including Misdemeanors shall be assigned to the Blackford Superior Court.

#### **LR05-CR13-202 CASE REASSIGNMENT AND SPECIAL JUDGE SELECTION IN CRIMINAL CASES**

Under Criminal Rule 13(C) when the Court grants a change of judge or the presiding judge recuses or is disqualified, the case shall be reassigned to the other elected presiding judge of the Blackford Circuit or Superior courts and the case shall be transferred to that court. In the event the reassigned judge can not accept jurisdiction, a successor judge shall be assigned from a list of judges including Senior Judges assigned to serve in Blackford County and the judges with criminal jurisdiction from the contiguous counties of Jay, Wells, Grant, and Delaware.

### **LR05-CR00-203 CRIMINAL PRE-TRIAL CONFERENCES**

Pursuant to T.R. 81, the following Local Rule is adopted with the intent to expedite criminal cases.

1. At the Initial hearing, the Court will set the Omnibus and Pre-Trial Conference dates, and Felony Jury Trial dates. Defendants will be advised of these dates and the consequences of failing to appear. Misdemeanor trial dates will be set at the pre-trial conference.
2. In felony cases, at the first scheduled omnibus/pretrial, the Court will file a Final Pretrial Jury/Bench Order (criminal), concluding final matters with respect to pre-trial motions, jury instructions and exhibits.
3. The parties may pretrial any case prior to the scheduled omnibus/pretrial date, providing a written report to the Court is filed on or before the scheduled omnibus/pretrial date. Upon filing the written report, the Court will issue the final pre-trial order.

### **LR05-CR00-204 SWORN STATEMENTS IN CRIMINAL CASES**

The following procedures may be used for taking sworn statements in pauper criminal cases and in other criminal cases as may be agreed upon between the State and the Defendant:

1. Sworn statements of witnesses will be taken at the Prosecutor's Office or such other place as the parties may agree upon.
2. It shall be the responsibility of the party taking the sworn statement to secure the presence of the witness unless otherwise agreed (preferably in writing) by the parties; however, the other party shall provide reasonable assistance, if necessary, in securing the presence of the witness.
3. At the commencement, the witness shall be sworn under oath by a person authorized by law to administer oaths.
4. The sworn statement shall be recorded by the moving party, and may be recorded by the opposing party.
5. The sworn statement shall be transcribed by the secretary for the moving counsel when it reasonably appears that a written transcript will be needed for trial, hearing or other necessary purpose.
6. Defense counsel may submit a claim for any necessary transcription, as part of the pauper fee claim, in an amount not to exceed \$20.00.

7. Within a reasonable time prior to trial, hearing or other necessary purpose, the transcript shall be presented to the non moving party for review and correction, if needed. Proposed corrections shall be made by opposing counsel. Should dispute arise regarding the transcript, the same may be presented to the Court for resolution.
8. Once agreed upon by the Defendant and the State, the transcription shall be presented to the affiant for review, signature and completion of change page, if desired. The parties shall cooperate in securing this review. If affiant fails to timely review and sign, the transcript may still be used.
9. Copies of all materials shall then be available to the Defendant and the State prior to any hearing or trial.
10. A sworn statement hereunder is not in lieu of a deposition as provided by the Indiana Trial Rules, but may be used for purposes permitted by the Indiana Rules of Evidence, including but not limited to impeachment. Under appropriate circumstances, formal depositions or other statement procedures may be used upon petition to the Court and Court Order for the same.

#### **LR05–CR00-205 APPOINTED COUNSEL INCOME REPORT AND TERMINATION**

Defendants receiving court appointed counsel have a duty to report to their attorney and the Court significant changes in income or acquired assets which may affect their status as indigents. Appointed counsel shall provide the Court at sentencing an estimate of pauper counsel fees and expenses.

Appointment of pauper counsel shall terminate at sentencing unless otherwise ordered by the Court. Upon termination of representation the Court shall remove the attorney's appearance as counsel of record.

## **LOCAL RULES JURY**

#### **LR05-JR1-401 JURIES**

The procedure in Jury Trials shall be governed by the Indiana Jury Trial Rules numbered 1 through 30 effective January 1, 2003 and any subsequent amendments and modifications thereto. The Courts require proposed Jury Instructions to be submitted on disc or e-mail formatted for the particular Court's system. Counsel should contact the Court to determine the appropriate format.



## **LR05-JR2-402 SUPERVISION**

The Judges of the Blackford Circuit and Superior Courts will supervise the jury system processes.

## **LR05-JR3-403 JURY ADMINISTRATOR**

The Judges of the Blackford Circuit and Superior Courts appoint their respective Bailiffs as jury administrator(s).

## **LR05-JR4-404 SELECTION**

In order to expedite the selection process, in all six (6) person juries, twelve (12) persons will be seated for the first round of voir dire. If after the first strike six (6) or more remain in the box, the first six (6) by number shall constitute the jury. Any 7<sup>th</sup> member remaining shall constitute the alternate. All others shall be excused.

## **LRO5-JR5-405 PASSING AND ACCEPTANCE OF JURORS**

Unless otherwise approved or directed by the court, the one pass rule shall be followed. The failure to strike an individual juror following voir dire examination of a panel of prospective jurors of which that juror was a member shall constitute an acceptance of that juror by the parties so passing. Challenges shall be made at the bench outside the hearing of the prospective jurors and shall be made by use of slips of paper of uniform size or as otherwise directed by the court.

## **LR05-JR6-406 JURY INSTRUCTIONS**

Proposed preliminary and final instructions, special or pattern, in civil cases and in criminal, shall be submitted on 8 ½ x 11 paper, double spaced, with legal authority and indication for the court's disposition placed on the bottom of the instruction. These instructions shall also be presented to the court on computer disk or by e-mail, and formatted in a manner consistent with the court's equipment.

# **LOCAL RULES FAMILY LAW**

## **LR05-FL00-501 FAMILY COURT RULES**

(A) PRELIMINARY HEARINGS. All preliminary hearings in dissolution cases shall be scheduled at 9:00 a.m. on the first Friday following the filing of the Petition for Dissolution, providing three (3) days notice may be afforded the responding party. Otherwise, the preliminary matter shall be scheduled on the next succeeding Friday morning at 9:00 a.m.

(B) CHILD SUPPORT WORKSHEET. In dissolution actions, the parties must file a child support worksheet to accompany any Agreed Order involving support, including their Decree of Dissolution of Marriage. The Court may, in its discretion, continue the Final Hearing or withhold entering the Final Decree for failure to provide the worksheet.

(C) CONTESTED FINAL HEARINGS. At contested final hearings, parties or their counsel are directed to prepare and submit a list of assets, list of debts, and proposed distribution of assets and debts indicating those items which are in dispute along with any other supporting documents or exhibits. Also, if applicable, a child support worksheet shall be filed by each party. An approved financial declaration for use by all divorcing parties is attached to these rules, and must be exchanged by the parties at least five (5) business days before the final, contested hearing.

(D) DECREE OF DISSOLUTION OF MARRIAGE INVOLVING MINOR CHILDREN. The written decree must state that the non-custodial parent is responsible for the annual child support docket fee. Sufficient copies of the decree for all counsel and parties, if unrepresented, must be tendered. The decree must also provide for the payment of medical bills not paid for by insurance, pursuant to the child support rules. A child support worksheet must be attached to all decrees, **and a calculation of any child support arrearage must be included or any claim to such provisional order arrearage shall be waived.**

(E) DECREE PREPARED SUBSEQUENT TO HEARING. A decree prepared following a hearing at the direction of the court shall be prepared by the party directed by the Court and submitted to the opposing party or counsel who shall have three (3) business days to approve the form of order or to propose changes. In the absence of such a response, the party preparing the order may forward the order to the court for signature.

(F) PARENTING TIME. In all settlement agreements in which parenting time is established, the parties shall certify in such agreement that they have received a copy of the Indiana Parenting Time Guidelines and have read and understand the same.

#### **LR05-FL00-502 DELETION OF ATTORNEYS FROM DOCKET**

In all divorce, custody, support and paternity cases, once a pending matter has been resolved with no other issues pending, the Clerk shall remove the attorneys' names from the docket and/or party table. When additional filings are made, attorneys who are to be involved in the proceedings shall file a new Appearance. Service of pleadings in subsequent proceedings must be made pursuant to Trial Rule 5 upon the opposing party, not on the party's former legal counsel.

The foregoing local rules containing local rules on Administration, Civil Procedure, Criminal Procedure, Jury Rules and Family Law are hereby adopted and recommended for approval by the Indiana Supreme Court this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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DEAN A. YOUNG, JUDGE  
BLACKFORD CIRCUIT COURT

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JOHN W. FORCUM, JUDGE  
BLACKFORD SUPERIOR COURT